



U.S. Department
of Transportation

MAY 6 2005

400 Seventh Street, S.W.
Washington, D.C. 20590

**Pipeline and
Hazardous Materials Safety
Administration**

Ms. Dana Probasco
Compliance Manager
RL Carr.ers
P.O. Box 271
Wilmington, OH 45177-0271

Ref No. 05-0073

Dear Ms. Probasco:

This responds to your March 24, 2005, letter concerning security plan requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the security plan requirements apply to shipments of hazardous materials other than Divisions 1.1, 1.2, 1.3, 6.2 and Class 7. In addition, you ask whether a trailer secured with a king-pin and padlocked or secured with a plastic seal would meet the security requirements.

As specified in § 172.800(b) of the HMR, each person who offers or transports a hazardous material in a quantity that requires placarding under Subpart F of Part 172, a quantity of hazardous materials in a bulk packaging having a capacity of 3,500 gallons or more for liquids or 468 cubic feet or more for solids, or a select agent or toxin as defined in 42 CFR Part 73 must develop and implement a security plan. The security plan must be based on an assessment of security risks for the materials covered by the plan and must address personnel security, unauthorized access, and en route security (see § 172.802). The measures described in your letter are appropriate for inclusion in that portion of a security plan that addresses measures to limit the possibility that an unauthorized person could gain access to the hazardous materials; however, depending on the risk assessment on which the security plan is based, the measures described may not be sufficient to completely address the unauthorized access portion of the plan.

I hope this information is helpful.

Sincerely,

Susan Gorsky
Regulations Officer
Office of Hazardous Materials Standards



050073

172.802



To: Whom It May Concern:

From: Dana Probasco
Compliance Manager

Date: 03/24/05

Re: Vehicles left unattended

Foster
\$172.802
Security Plans
05-0073

We are a common carrier that hauls not only general commodities but also hazardous materials. We do not haul class's 1.1, 1.2, 1.3, 6.2 or class 7 fissile hazardous materials. We haul all the remaining hazardous materials as well as dry food products.

In regards to the HM-232 plan, we would like to have an interpretation of securing a vehicle in a general location not defined as a safe-haven.

If we park a loaded trailer with haz-mat or food products in a general location and secure the trailer with a king pin and pad locked trailer door, are we in compliance with the regulations regarding securing a vehicle? What if we just used a plastic seal to secure the trailer door, would this also meet vehicle security regulations?

Thank you,

Dana Probasco
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"ONE CALL-ONE CARRIER"

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